

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Dale E. Gulick
Geoffrey S. Strongin

Serial No.: 09/853,443

Filed: May 11, 2001

For: PROTECTION MECHANISM FOR
BIOMETRIC INPUT DATA

Group Art Unit: 2131

Examiner: B. Lanier

Atty. Dkt. No.: 2000.039600

Conf. No. 6306

Customer No. 023720

SECOND REPLY BRIEF

BOX AF

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant hereby submits this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer mailed June 27, 2006. No fee is believed due for the filing of this Reply Brief. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson's P.C. Deposit Account No. 50-0786/2000.039600.

In the Answer, the Examiner repeated the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103 set forth in the final rejection in this application and in the previous Examiner's Answer

mailed March 22, 2006. It is believed that the reasons that those rejections are improper are expressly set forth in the Appeal Brief and in the first Reply Brief filed in this matter. The Examiner also included new rejections of claims 25 and 72. The Examiner noted that Appellants must either elect to reopen prosecution or to maintain the present appeal.

Appellants elect to maintain the present appeal. Furthermore, Appellants note that claims 25 and 72 depend from previously rejected independent claims. Accordingly, Appellants respectfully submit that claims 25 and 72 are allowable over the prior art of record for at least the reasons set forth in the Appeal Brief filed in this matter. In particular, the Examiner alleges that claims 25 and 72 are obvious over Gennaro in view of Huang (U.S. Patent No. 5,856,789). Huang describes a computer system that includes a processor, a north bridge, and a south bridge. However, Huang fails to remedy the fundamental deficiencies of Gennaro, which are set forth in the Appeal Brief filed in this matter.

In view of the foregoing, it is respectfully submitted that the Examiner erred in rejecting the claims pending in the present application. Accordingly, Applicants respectfully request that the Board overrule the Examiner's decision and issue instructions that all pending claims be allowed.

Respectfully submitted,

//MARK W. SINCELL//

Mark W. Sincell, Ph.D.

Reg. No. 52,226

WILLIAMS, MORGAN & AMERSON

10333 Richmond Avenue, Suite 1100

Houston, Texas 77042

(713) 934-4052

(713) 934-7011 (facsimile)

AGENT FOR APPLICANTS

Date: July 7, 2006